

RECEIVED  
CENTRAL FAX CENTER

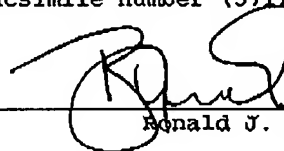
OCT 08 2009

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 10/743,745 Confirmation No. 9090  
Applicant : Shigekazu YASUOKA et al.  
Filed : December 24, 2003  
TC/A.U. : 1742  
Examiner : Jessee Randall Roe  
Dkt. No. : SNY-048  
Cust. No. : 20374

I hereby certify that this paper is being  
facsimile transmitted on October 8, 2009, to  
the United States Patent and Trademark Office  
to facsimile number (571)273-8300.



Ronald J. Kubovcik

REQUEST THAT OFFICE CONFIRM CONSIDERATION OF EVIDENCE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

October 8, 2009

Sir:

In the response filed January 21, 2009, to the Final Office  
Action dated August 20, 2009, applicants submitted a copy of J.  
Japan Inst. Metals, Vol. 69, No. 1 (2005), pp. 170-178, "Crystal  
Structure of Hydrogen Storage Alloys, La-Mg-Nix(x=3 ~ 4) System"  
(copy enclosed together with an English language abstract thereof)  
and a copy of a Fig. 6.2.6.

P:\10-09\sny-048-pto-req-evidence.wpd

PATENT APPLN. NO. 10/743,745  
REQUEST THAT OFFICE CONFIRM CONSIDERATION OF EVIDENCE

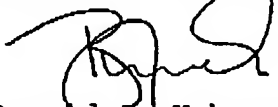
PATENT

The J. Japan Inst. Metals publication was submitted as evidence that when the ratio of B(Ni)/A(La) in an AB type alloy changes, the crystalline structure changes. Fig. 6.2.6 was submitted to illustrate the different crystalline structures of  $AB_{x'}$ , where  $x'$  ranges from 2 to 5.

In the Advisory Action dated January 29, 2009, the Office states: "Applicant's arguments filed 21 January 2009 have been fully considered but they are not persuasive." (Advisory Action, page 2, lines 2 and 3). It is clear, therefore, that the Office considered the evidence submitted with the response on January 21, 2009.

Therefore, the Office is requested to issue a PTOL-90 indicating that the above-identified evidence was considered and, as appropriate, issue a PTO-892 identifying the J. Japan Inst. Metals publication.

Respectfully submitted,  
KUBOVCIK & KUBOVCIK



Ronald J. Kubovcik  
Reg. No. 25,401

Crystal Gateway 3  
Suite 1105  
1215 South Clark Street  
Arlington, VA 22202  
Tel: (703) 412-9494  
Fax: (703) 412-9345  
RJK/ff